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JCS04 U.S. PTO

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new non-provisional applications under 37 CFR 1.53(b))

Attorney Docket No.	0229.99
First Inventor	Linda S. Thomashow et al.
Title	Sequences Encoding PhzO and Methods
Express Mail No. / Date	EK469907056US September 27, 2001

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility Patent application contents.

<input checked="" type="checkbox"/> Fe Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)		[] CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)	
<input checked="" type="checkbox"/> Specification Total Pages: 83 (Preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Application - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the invention - Brief Description of the Drawings (if filed) - Detailed Description - Claims - Abstract of the Disclosure		Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) [] Computer Readable Form (CRF) Specification Sequence Listing on: [] CD-ROM or CD-r (2 copies) or [] Paper [] Statements verifying identity of above copies	
		ACCOMPANYING APPLICATION PARTS	
<input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets 5		[] Assignment Papers (cover sheet & documents) [] 37 CFR 3.73(b) Statement [] Power of Attorney [] English Translation Document (if applicable) [] Information Disclosure Statement [] Copies of IDS (IDS) / PTO-1449 Citations [] Preliminary Amendment [] Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
<input checked="" type="checkbox"/> Oath or Declaration Total Pages 1 [] Newly UNexecuted (original or copy) [] Copy from a prior application (37 CFR 1.63(d)) (For continuation/divisional with Box 17 completed)		[] Certified Copy of Priority Document(s) (If foreign priority is claimed) [] Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach from PTO/SB/35 or its equivalent [] Other: Copy of NRRL Deposit Receipts and NRRL Viability Statements	
<input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76			

If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-In-Part (CIP) of prior application no.

Prior application information: Examiner: Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts

Correspondence Address

Customer Number:



25278

Name	Margaret A. Connor PATENT TRADEMARK OFFICE	Registration No. (Attorney/ Agent)	30,043
Signature	Margaret A. Connor	Date	September 27, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL FY2001

(Patent fees are subject to annual revision)

Certificate of Mailing by Express Mail
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Express Mail No.	EK469907056US
Date of Mailing	September 27, 2001
Complete if Known	
Application Number	
Filing Date	
First Named Inventor	Linda S. Thomashow et al.
Examiner Name	
Group Art Unit	

TOTAL AMOUNT OF PAYMENT	(\$)	710.00	Attorney Docket No.	0229.99
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METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																			
<p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:</p> <p><input checked="" type="checkbox"/> Deposit Account Number: 23-1058 Deposit Account Name: USDA-ARS-OTT Patent Advisor</p>				<p>3. Additional Fees</p> <table> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130.00</td> <td>Surcharge – late filing fee or oath</td> <td></td> </tr> <tr> <td>127</td> <td>50.00</td> <td>Surcharge – late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139</td> <td>130.00</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2,520.00</td> <td>For filing a request for examination</td> <td></td> </tr> <tr> <td>112</td> <td>920.00*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1,840.00*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110.00</td> <td>Ext. for reply within first month</td> <td></td> </tr> <tr> <td>116</td> <td>390.00</td> <td>Ext. for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>890.00</td> <td>Ext. for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1,390.00</td> <td>Ext. for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1,890.00</td> <td>Ext. for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>310.00</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>310.00</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>270.00</td> <td>Request an oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1,510.00</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110.00</td> <td>Petition to revive – unavoidable</td> <td></td> </tr> <tr> <td>141</td> <td>1,240.00</td> <td>Petition to revive – unintentional</td> <td></td> </tr> <tr> <td>142</td> <td>1,240.00</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143</td> <td>440.00</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>144</td> <td>600.00</td> <td>Plant issue Fee</td> <td></td> </tr> <tr> <td>122</td> <td>130.00</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123</td> <td>50.00</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126</td> <td>240.00</td> <td>Submission of Information Disclosure Statement</td> <td></td> </tr> <tr> <td>581</td> <td>40.00</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146</td> <td>690.00</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>149</td> <td>690.00</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td colspan="4">Other Fee (specify)</td><td colspan="4">* Reduced by Basic Filing Paid</td></tr> <tr> <td colspan="4"></td><td colspan="4">Subtotal (3) \$ 0.00</td></tr> </tbody> </table>				Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130.00	Surcharge – late filing fee or oath		127	50.00	Surcharge – late provisional filing fee or cover sheet		139	130.00	Non-English specification		147	2,520.00	For filing a request for examination		112	920.00*	Requesting publication of SIR prior to Examiner action		113	1,840.00*	Requesting publication of SIR after Examiner action		115	110.00	Ext. for reply within first month		116	390.00	Ext. for reply within second month		117	890.00	Ext. for reply within third month		118	1,390.00	Ext. for reply within fourth month		128	1,890.00	Ext. for reply within fifth month		119	310.00	Notice of Appeal		120	310.00	Filing a brief in support of an appeal		121	270.00	Request an oral hearing		138	1,510.00	Petition to institute a public use proceeding		140	110.00	Petition to revive – unavoidable		141	1,240.00	Petition to revive – unintentional		142	1,240.00	Utility issue fee (or reissue)		143	440.00	Design issue fee		144	600.00	Plant issue Fee		122	130.00	Petitions to the Commissioner		123	50.00	Petitions related to provisional applications		126	240.00	Submission of Information Disclosure Statement		581	40.00	Recording each patent assignment per property (times number of properties)		146	690.00	Filing a submission after final rejection (37 CFR § 1.129(a))		149	690.00	For each additional invention to be examined (37 CFR § 1.129(b))		Other Fee (specify)				* Reduced by Basic Filing Paid								Subtotal (3) \$ 0.00							
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SUBMITTED BY

Name (Print/Type)	Margaret A. Connor	Registration No.	30,043	Telephone	510-527-1418 or 510-559-6067
Signature	<i>Margaret A. Connor</i>			Date	September 27, 2001

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NONPUBLICATION REQUEST
UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor	Linda S. Thomashow et al.
Title	Sequences Encoding PhzO and Methods
Atty Docket No.	0229.99
Express Mail No. / Date	EK469907056US September 27, 2001

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 27, 2001

Date

Margaret A. Connor

Signature

Margaret A. Connor

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSE OF PATENT PROCEDURES**

11036 U.S. PRO
09/09/965175
09/27/01

INTERNATIONAL FORM

TO
USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

**NAME AND ADDRESS
OF DEPOSITOR**

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
<i>Escherichia coli JM109p2.9xP-12</i>	NRRL B-30341

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

a scientific description
 a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on October 6, 2000(date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depository Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Agricultural Research Culture Collection (NRRL) International Depository Authority	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <i>J. Berger</i>
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired.

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I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
<i>Escherichia coli JM109p2.9xP-16</i>	NRRL B-30342

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

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 a proposed taxonomic designation

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V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Agricultural Research Culture Collection (NRRL) International Depository Authority	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <i>J. Sanger</i>
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date: 10-24-00

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired.

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issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

**NAME AND ADDRESS
OF DEPOSITOR**

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Pseudomonas fluorescens 2-79p2.9xP-12(1)</i>	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <i>NRRL B-30343</i>
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
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TO
USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

**NAME AND ADDRESS
OF DEPOSITOR**

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

Pseudomonas fluorescens 2-79p2.9xP-12(2)

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

NRRL B-30344

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

a scientific description

a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on October 6, 2000 (date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depository Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Agricultural Research Culture
Collection (NRRL)
International Depository Authority

Signature(s) of person(s) having the power
to represent the International Depository
Authority or of authorized official(s):
J. Snyder

Address: 1815 N. University Street
Peoria, Illinois 61604 U.S.A.

Date: 10-24-00

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired.

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSE OF PATENT PROCEDURES**

INTERNATIONAL FORM

TO
USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

**NAME AND ADDRESS
OF DEPOSITOR**

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
<i>Escherichia coli JM109(pGEM-PH20)</i>	<i>NRRL B-30345</i>

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

a scientific description

a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on October 11, 2000(date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depository Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Agricultural Research Culture
Collection (NRRL)
International Depository Authority

Signature(s) of person(s) having the power
to represent the International Depository
Authority or of authorized official(s):
J. Seng

Address: 1815 N. University Street
Peoria, Illinois 61604 U.S.A.

Date: *10-24-00*

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired.

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSE OF PATENT PROCEDURES**

INTERNATIONAL FORM

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**NAME AND ADDRESS
OF DEPOSITOR**

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
<i>Escherichia coli JM109(pGEM-PH20(2))</i>	NRRL B-30346

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

a scientific description
 a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on October 11, 2000(date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depository Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Agricultural Research Culture Collection (NRRL) International Depository Authority	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <i>J. Smag</i> 10-24-00
Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Date:

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

VIABILITY STATEMENT

issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED

I. DEPOSITOR Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	II. IDENTIFICATION OF THE MICROORGANISM Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: Escherichia coli ATCC 25922 Date of: October 6, 2000 <input checked="" type="checkbox"/> ² Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ² Repropagation of Original Deposit
III. (a) VIABILITY STATEMENT	
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date) International Depository Authority's preparation was found viable on October 23, 2000 (Date) ³	
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION	
Depositor determined the International Depository Authority's preparation was <input checked="" type="checkbox"/> ² Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>November 16, 2000</u> (Date) Signature of Depositor <u>Yedda J. Monachow</u>	
IV. COMMITTEE UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)	
V. INTERNATIONAL DEPOSITORY AUTHORITY	
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <u>J. Monachow</u> Date: <u>10-24-00</u>

¹ Indicate the date of the original deposit or when a new deposit has been made.
² Mark with a cross the applicable box.

³ In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

⁴ Fill in if the information has been requested.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

VIABILITY STATEMENT

Issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430</p>	<p>Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <i>Escherichia coli</i> NRRL B-30342</p> <p>Date of: October 6, 2000</p> <p><input checked="" type="checkbox"/> * Original Deposit <input type="checkbox"/> * New Deposit <input type="checkbox"/> * Repropagation of Original Deposit</p>

III. (a) VIABILITY STATEMENT

Deposit was found: Viable Nonviable on October 7, 2000 (Date)

International Depositary Authority's preparation was found viable on October 23, 2000 (Date)³

III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION

Depositor determined the International Depositary Authority's preparation was

* Equivalent * Not equivalent to deposit on November 16, 2000 (Date)

Signature of Depositor Stephen J. Thomas

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED

Depositor/Depositary⁴

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Agricultural Research Culture
Collection (NRRL)
International Depositary Authority

Address: 1815 N. University Street
Peoria, Illinois 61604 U.S.A.

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date:

J. Bungey

10-24-00

¹ Indicate the date of the original deposit or when a new deposit has been made.

² Mark with a cross the applicable box.

³ In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

⁴ Fill in if the information has been requested.

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

INTERNATIONAL FORM

TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

VIABILITY STATEMENT

issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
Identified at the bottom of this page

**NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED**

I. DEPOSITOR <p>Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430</p>	II. IDENTIFICATION OF THE MICROORGANISM <p>Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <i>Pseudomonas fluorescens</i> ATCC 33343</p> <p>Date of: October 6, 2000</p> <p><input checked="" type="checkbox"/> ¹ Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ³ Repropagation of Original Deposit</p>
III. (a) VIABILITY STATEMENT <p>Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date)</p> <p>International Depository Authority's preparation was found viable on October 23, 2000 (Date)³</p>	
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION <p>Depositor determined the International Depository Authority's preparation was</p> <p><input checked="" type="checkbox"/> ² Equivalent <input type="checkbox"/> ³ Not equivalent to deposit on <u>November 16, 2000</u> (Date)</p> <p>Signature of Depositor <u>Yvonne L. Thomasow</u></p>	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)	
V. INTERNATIONAL DEPOSITORY AUTHORITY <p>Name: Agricultural Research Culture Collection (NRRL) International Depository Authority</p> <p>Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.</p> <p>Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <i>J. Drury</i></p> <p>Date: <u>10-27-00</u></p>	

¹ Indicate the date of the original deposit or when a new deposit has been made.

² Mark with a cross the applicable box.

³ In the cases referred to in Rule 10.2(a)(iii) and (iii), refer to the most recent viability test.

⁴ Fill in if the information has been requested.

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

INTERNATIONAL FORM

TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

VIABILITY STATEMENT

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Identified at the bottom of this page

**NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED**

<p>I. DEPOSITOR</p> <p>Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430</p>	<p>II. IDENTIFICATION OF THE MICROORGANISM</p> <p>Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <i>Pseudomonas fluorescens</i> NRRL B-30384</p> <p>Date of: October 6, 2000</p> <p><input checked="" type="checkbox"/> ² Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ² Repropagation of Original Deposit</p>
<p>III. (a) VIABILITY STATEMENT</p> <p>Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date)</p> <p>International Depository Authority's preparation was found viable on October 23, 2000 (Date)³</p>	
<p>III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION</p> <p>Depositor determined the International Depository Authority's preparation was</p> <p><input checked="" type="checkbox"/> ² Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>October 14, 2000</u> (Date)</p> <p>Signature of Depositor <u>James L. Thompson</u></p>	
<p>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)</p>	
<p>V. INTERNATIONAL DEPOSITORY AUTHORITY</p> <p>Name: Agricultural Research Culture Collection (NRRL) International Depository Authority</p> <p>Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.</p> <p>Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <u>J. Savag</u></p> <p>Date: <u>10-24-00</u></p>	

¹ Indicate the date of the original deposit or when a new deposit has been made.
² Mark with a cross the applicable box.

³ In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

⁴ Fill in if the information has been requested.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

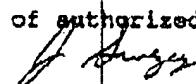
TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
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VIABILITY STATEMENT

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INTERNATIONAL DEPOSITORY AUTHORITY
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NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED

I. DEPOSITOR Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	II. IDENTIFICATION OF THE MICROORGANISM Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <i>Escherichia coli</i> NRRL B-30345
Date of: October 11, 2000	
<input checked="" type="checkbox"/> ¹ Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ³ Repropagation of Original Deposit	
III. (a) VIABILITY STATEMENT	
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 12, 2000 (Date) International Depository Authority's preparation was found viable on October 23, 2000 (Date) ³	
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION	
Depositor determined the International Depository Authority's preparation was <input checked="" type="checkbox"/> ¹ Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>November 16, 2000</u> (Date)	
Signature of Depositor <u>Hydeford Thomas</u>	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)	
V. INTERNATIONAL DEPOSITORY AUTHORITY	
Name: Agricultural Research Culture Collection (NRRL) International Depository Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  J. Shugrue 10-240

¹ Indicate the date of the original deposit or when a new deposit has been made.

² Mark with a cross the applicable box.

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⁴ Fill in if the information has been requested.

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I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430</p>	<p>Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <i>Escherichia coli</i> NRRL B-30346</p> <p>Date of: October 13, 2000</p> <p><input checked="" type="checkbox"/> ¹ Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ³ Repropagation of Original Deposit</p>
III. (a) VIABILITY STATEMENT	
<p>Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 12, 2000 (Date)</p> <p>International Depository Authority's preparation was found viable on October 23, 2000 (Date)</p>	
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION	
Depositor determined the International Depository Authority's preparation was	
<p><input checked="" type="checkbox"/> ¹ Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>November 16, 2000</u> (Date)</p>	
Signature of Depositor <u>Yvonne I. Kornashow</u>	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)	
V. INTERNATIONAL DEPOSITORY AUTHORITY	
<p>Name: Agricultural Research Culture Collection (NRRL) International Depository Authority</p> <p>Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.</p>	<p>Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):</p> <p><u>J. Auger</u> 10-24-00</p>

¹ Indicate the date of the original deposit or when a new deposit has been made.² Mark with a cross the applicable box.³ In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.⁴ Fill in if the information has been requested.